

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10021 of 2017

Arising Out of PS.Case No. -102 Year- 2016 Thana -PASRAHA District- KHAGARIA

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1. Rajendra Singh Son of Late Sribdhari Singh @ Shivdhari Singh, Resident of Village- Pasraha, P.S. Pasraha, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 17-04-2017 Heard both sides.

The petitioner seeks bail in Pasraha P.S. case No. 102 of 2016 under Section 308 and other Sections of the Indian Penal Code. Later on Section 302 of the IPC was added after death of Mina Devi.

The informant alleged that petitioner and others were digging up tube well in his land. The family members of his house went to protest but the petitioner and others assaulted the family members of the informant.

Mr. Srinarayan Singh, the learned senior counsel for the petitioner, submits that informant is not is not an eye witness of the occurrence and during the course of investigation the witnesses have stated that when they went to protest of digging



tube well, the petitioner and others assaulted Mina Devi. Petitioner is alleged to have armed with Lathi and sickle and had there been any intention to kill the deceased, the petitioner would have assaulted her with sickle. There is single blow of Lathi on Mina Devi and on account of land dispute the occurrence took place. It is further submitted that the land was in possession of the petitioner for last 30 years. The informant and his family members are aggressors but from perusal of the case diary, it appears that firstly Mina Devi, Sila Devi and Savita Devi went to the place of occurrence to protest the digging up of tube well in the filed of deceased.. It was the petitioner who gave lathi blow on the head of Mina Devi. Mina Devi got extensive injury on her head. The injury was extending from forehead to right ear. The injury itself shows that massive blow was given on the head of deceased. The petitioner is author of the injury which caused the death of Mina Devi.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within one year from the date of receipt of this order, if the case is committed to the court of Sessions. If the case is not committed to the court of Sessions, the learned Magistrate



shall commit the case to the court of Sessions forthwith.

If the trial is not concluded within one year, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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